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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,547	09/29/2003	Hidehiko Kameyama	Q77532	6222
23373	7590	08/28/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			AU, GARY	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/671,547	KAMEYAMA, HIDEHIKO	
	Examiner	Art Unit	
	Gary Au	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,8,10,12-14,16,19,21,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 4,6,7,9,11,15,17,18,20 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 101

2. Claims 23 and 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A program is non-statutory and that it should be "A computer readable medium encoded with a computer program".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5, 8, 10, 12-14, 16, 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,865,386 Aoyama et al. (Aoyama).

Considering claim 1, Aoyama teaches a cellular telephone set capable of performing animation display of any one of a preliminarily stored plurality of characters (figure 1, col. 4 lines 15-26), comprising: character presentation means for controlling

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animation display of said character depending upon history information corresponding to an event upon occurrence of the event in the set (col. 5 lines 41-67, where a sequence of images is known as animation).

Considering claim 8, Aoyama teaches a cellular telephone set capable of performing animation display of any one of a preliminarily stored plurality of characters (figure 1, col. 4 lines 15-26), comprising: character presentation means responsive to occurrence of an event on the set for controlling animation display of said character depending upon history information depending upon history information depending upon an occurrence timing of a predetermined operation relating to said event (col. 5 lines 41-67, where a sequence of images is known as animation).

Considering claim 12, Aoyama teaches a character display presentation method of a cellular telephone set capable of performing animation display of any one of a preliminarily stored plurality of characters (figure 1, col. 4 lines 15-26), comprising: step of controlling animation display of said character depending upon history information corresponding to an event upon occurrence of the event in the set (col. 5 lines 41-67, where a sequence of images is known as animation).

Considering claim 19, Aoyama teaches a character display presentation method of a cellular telephone set capable of performing animation display of any one of a preliminarily stored plurality of characters (figure 1, col. 4 lines 15-26), comprising: step

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responsive to occurrence of an event on the set of controlling animation display of said character depending upon history information depending upon an occurrence timing of a predetermined operation relating to said event (col. 5 lines 41-67, where a sequence of images is known as animation).

Considering claims 2 and 13, Aoyama teaches character presentation means controls animation display of said character depending upon a timing of occurrence of a predetermined operation associating with said event on the basis of said history information (figure 3, col. 5 lines 41-67 and col. 6 lines 47-56, where the image is accompanied with the message and displayed).

Considering claims 3 and 14, Aoyama teaches character presentation means controls animation display of said character so as to differentiate patterns depending upon number of accumulation of telephone numbers of counterpart of call in said history information (figure 6A-6C, col. 9 line 37 – col. 10 line 12 and col. 6 lines 47-56).

Considering claims 5, 10, 16 and 21, Aoyama teaches character presentation means controls animation display of said character depending upon particular date and time information preliminarily set in a schedule function (figure 9, col. 11 line 47 – col. 12 line 26).

Allowable Subject Matter

5. Claims 4, 6, 7, 9, 11, 15, 17, 18, 20 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,870,683 (Wells et al.) teaches a wireless mobile station, such as cellular telephone, executes a method to selectively display one of plurality of graphical information sequences on a display of the mobile station.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA


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